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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,939	12/10/2003	Karl R. Dommert	VX032577	7098
21369	7590	12/19/2005	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DR. SUITE 101 RESTON, VA 20191			NEWVILLE, TONI E	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/730,939

Applicant(s)

DOMMERT ET AL.

Examiner

Toni Newville

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/20/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. Claims 2-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Horsch et al., US 4893683, cited in previous office action.

Regarding claim 2, Horsch discloses a blade pitch control structure (Fig. 14) for a bulldozer comprising:

- A blade (22) having a backside with a bracket (140);
- A blade lifting frame (30) having a front end;
- A universal joint (44) arranged between the backside of the blade (22) and the front end of the blade lifting frame (30), the universal joint (44) and the blade lifting frame (30) turnably supporting the blade (22) and enabling altitude control including angling, tilting and pitch control of the blade (22);
- A pitch support link (60) having a front end; and
- An eccentric pin (134) engaging the bracket (140) on the backside of the blade (22) with the front end of the pitch support link (60);
- Wherein the eccentric pin (134) has a first shaft part (112) which turnably engages with the front end of the pitch support link (60) and a second shaft part (134) which is fitted into a hole (138) of the bracket (140), and an axis of the first shaft part (112) and an axis of the second shaft part (134) are

mutually eccentric in the state of being spaced apart from each other by a predetermined distance (column 7 lines 31-49).

Regarding claim 3, the blade pitch control structure as described above regarding claim 2 further includes a line segment which connects a turning center of the universal joint (44) turnably supporting the blade and a turning center about which the front end of the pitch support link (60) is to be turned with respect to the first shaft part of the eccentric pin (134), arranged to form an axis approximately perpendicular to the ground (Fig. 2) with the blade (22) horizontally placed in contact with the ground, and also further includes a tilting-control oil hydraulic cylinder (104) engaged with the blade (22) at one end and a turning center of the other end of the tilting-control oil hydraulic cylinder (104) arranged at a position on the perpendicular axis (Fig. 1).

Regarding claim 4, the eccentric pin (134) as described above regarding claim 2 is constructed so that a direction in which the first shaft part (112) is made eccentric to the second shaft part (134) is settable continuously at an arbitrary angle (column 7 lines 45-49) about the second shaft part (134) with the second shaft part (134) being fitted in a hole (138) of the bracket (140) of the blade (22).

Regarding claim 5, Horsch discloses a blade pitch control structure (Fig. 14) for a bulldozer comprising:

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- A blade (22) having a backside with a bracket (140);
- A blade lifting frame (30) having a front end;
- A universal joint (44) arranged between the backside of the blade (22) and the front end of the blade lifting frame (30), the universal joint (44) and the blade lifting frame (30) turnably supporting the blade (22) and enabling altitude control including angling, tilting and pitch control of the blade (22);
- A pitch support link (60) having a front end; and
- An eccentric pin (Fig. 14, 134) engaging a bracket (140) on the backside of the blade (22) with the front end of the pitch support link (60), the eccentric pin (134) including first (112) and second parts (134) that are eccentrically arranged relative to each other (column 7 lines 31-49).

Regarding claim 6, the limitations therein have been described above with respect to claims 5 and 4.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 2-4 have been considered but are moot in view of the new ground(s) of rejection.

In the previous office action, the examiner referred to element 112 in Horsch as the eccentric pin. The examiner, still using the Horsch '683 patent as the basis of a 102(b) rejection, is altering the rejection as described above using element 134 as the eccentric pin.

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Regarding the wording "shaft" used in new claims 2-4, the examiner is defining shaft as an elongated member, since no specific definition of "shaft", or what the particular shape of the first and second shaft parts should be, is described by the applicant in the specification.


### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toni Newville whose telephone number is (571) 272 - 1548. The examiner can normally be reached on Monday - Friday 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Toni Newville  
December 12, 2005

  
**THOMAS B. WILL**  
Supervisory Patent Examiner  
Group 3600